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| EXAMINER |
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SHINGLES, KRISTIE D

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| ART UNIT | PAPER NUMBER |
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2141

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/777,406

Applicant(s)

KURGANOV, ALEXANDER

Examiner

Kristie Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/04-3/05</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

*Applicant has amended claims 1 and 2. Claims 3-49 are new.
Claims 1-49 are pending.*

Drawings

1. The proposed drawing corrections filed 3/14/2005 have been accepted by the Examiner. The corrections to the drawings will not be held in abeyance.

Objection to Specification

2. The remarks filed 3/14/2005, regarding the objection to the specification for inclusion of hyperlinks, is persuasive. The objection is withdrawn.

Claim Objections

3. Per claims **1 and 2**, the proposed typographic correction filed 3/14/2005 have been accepted by the Examiner. Correction of the claim language will not be held in abeyance.

Information Disclosure Statement

4. The information disclosure statements (IDS) submitted on 12/6/2004, 1/14/2005 and 3/21/2005 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information

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disclosure statements are being considered by the Office. Initialed and dated copies of Applicant's IDS 1449 forms, are attached to the instant Office action.

5. Furthermore, regarding the Applicant's assertion of only receiving information disclosure statements filed on February 7, 2003 and April 12, 2004. Examiner has attached hereto filed copies of the IDS 1449 forms filed on: 5/2/2001, 5/14/2001, 10/18/2001, 12/10/2001, 1/31/2002 and 6/7/2002 signed by the Examiner on 8/24/2004 which should have accompanied the previous action. Signed copies of the forms however, in addition to the newly submitted IDS 1449 forms accompany this instant action.

37 CFR 1.131 Declaration

6. The declaration filed on 3/14/2005 under 37 CFR 1.131 has been considered but is ineffective to overcome the *Jimenez et al* (US 20010048576) reference.

The declaration is defective because it claims priority to US Provisional Application 60/180,343 filed on February 4, 2000; which still does not overcome the *Jimenez et al* reference. This date does not overcome the earliest effective filing date of the *Jimenez et al* reference, which claims priority to US Provisional Application 60/175,034 filed on January 7, 2000. Therefore, the *Jimenez et al* reference is still a reasonable and considerable prior art, of which the declaration fails to establish an earlier filing date and overcome.

Response to Arguments

7. Applicant's arguments with respect to claims 1 and 2 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112, second paragraph

8. Claims **14 and 15** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. **Claim 14** recites the limitation “the media server” in line one of the claim. There is insufficient antecedent basis for this limitation in the claim.
- b. **Claim 15** recites the limitation “the audio response” in line one of the claim. There is insufficient antecedent basis for this limitation in the claim.

Clarification and/or correction are required.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims **1-16, 24, 28-37, 41, 45, 46, 48 and 49** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Sarukkai et al* (USPN 5,819,220) in view of *Dvorak* (USPN 5,884,266).

a. **Per claims 1 and 2** (differs only in statutory subject matter), *Sarukkai et al* teach a system for retrieving user-defined information from web sites, comprising:

- an instruction set for identifying information to be retrieved from a web site (Abstract and col.5 lines 50-59); said instruction set comprising,
- a uniform resource locator address for said web site (col.3 line 64-col.4 line 6, col.5 lines 50-59 and col.7 lines 40-60); and

- a content descriptor of said web site, said content descriptor identifying the location on said web site from which said information is to be retrieved (col.7 lines 17-26 and col.10 lines 1-49);
- a computer-based client configured to create said instruction set based on user-defined information (col.3 line 64-col.4 line 6 and col.7 line 10-col.8 line 11);
- a recognition grammar assigned to said instruction set (col.4 lines 50-57);
- a database configured for storing said instruction set and said recognition grammar (col.4 lines 50-57 and col.6 lines 44-52);
- a server, comprising at least a speech recognition engine, and configured to retrieve said instruction set from said database in response to a speech command from said user, said speech command being described in said recognition grammar (Abstract, col.5 line 34-col.6 line 17 and col.6 line 57-col.7 line 6; provision for server and speech recognition processor system);
- a web browser connected with said server and including at least a content descriptor file, said web browsing server configured to access said web site and to retrieve said information identified by said instruction set (col.6 lines 54-67); and
- said server configured to transmit an audio message to said user comprising said information retrieved from said web site (Abstract and col.5 line 34-col.7 line 6).

Yet *Sarukkai et al* fail to explicitly teach a server comprising at least a speech synthesis engine, an interactive voice response application, a call processing system, and telephony hardware, along with the speech recognition engine and a web browser connected with said server and including at least a content extraction agent and a content fetcher. However, *Dvorak* discloses an audio interface engine comprising a speech synthesizer, a speech recognition system, an audio interface responsive to voice commands, audio processing hardware, a document processor, a command processor, a network protocol processor, a parser and an audio data compiler that function collectively to retrieve instructions, respond to speech

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commands and access web sites to retrieve the information requested in the instructions (col.1 line 59-col.3 line 2 and col.3 line 3-col.4 line 43).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Sarukkai et al* and *Dvorak* for the purpose of utilizing various components to achieve the functionality of speech recognition, instruction retrieval, response to speech commands and access to the to particular information requested from a source on the network; because the components as a whole operate collectively to achieve the inventive measures and it would've been obvious to include such components in a system that facilitates the retrieval of user-defined data via voice commands.

b. **Claims 5, 31 and 32** contain limitations that are substantially equivalent claims 1 and 2 and therefore are rejected under the same basis.

c. **Per claim 3**, *Sarukkai et al* and *Dvorak* teach the system of claim 1, *Sarukkai et al* further teach, wherein the recognition grammar comprises a speech command (Abstract, col.1 lines 42-47, col.3 line 64-col.4 line 6, col.4 lines 43-61 and col.7 lines 17-67).

d. **Per claim 4**, *Sarukkai et al* and *Dvorak* teach the system of claim 3 as applied above; yet *Sarukkai et al* teach the use of speech commands, which are linked to specific web sites and URLs that retrieve the requested information of the command (col.7 lines 11-67). However, *Sarukkai et al* fail to explicitly teach that the speech command is "Chicago weather," and that the uniform resource locator is www.cnn.com, which identifies the location on www.cnn.com from which Chicago weather conditions can be retrieved.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Sarukkai et al* and *Dvorak* for the purpose of

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allowing the user to specify and associating speech commands with specific URLs and websites, since speech commands can be assigned according to the user's preference.

e. **Per claim 6, *Sarukkai et al* and *Dvorak* teach the system of claim 5, *Sarukkai et al* further teach, wherein the information source is a network (col.5 lines 34-45).**

f. **Per claim 7, *Sarukkai et al* teach the system of claim 6, wherein the network is a local area network (LAN) (col.5 lines 34-45).**

g. **Per claim 8, *Sarukkai et al* teach the system of claim 6, wherein the network is a local area network (WAN) (col.5 line 34-col.6 line 2).**

h. **Per claim 9, *Sarukkai et al* teach the system of claim 6, wherein the network is the Internet (col.5 line 34-col.6 line 2).**

i. **Claims 10 – 13 are substantially similar to claims 1 and 2 and are therefore rejected under the same basis.**

j. **Per claim 14, *Sarukkai et al* and *Dvorak* teach the system of claim 1, *Dvorak* further teach the system of claim 1, wherein the media server further comprises a speech synthesis software engine (col.2 lines 4-38 and col.3 lines 23-44).**

k. **Claim 15 is substantially similar to claim 14 and is therefore rejected under the same basis.**

l. **Per claim 16, *Sarukkai et al* and *Dvorak* teach the system of claim 1, *Dvorak* further teaches the system of claim 1, further comprising a voice enabled device for transmitting speech commands (col.1 line 63-col.2 line 32, col.4 lines 18-43 and col.6 lines 10-12).**

m. **Claims 20, 24, 37 and 41 are substantially similar to claim 16 and are therefore rejected under the same basis.**

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n. **Per claim 28**, *Sarukkai et al* and *Dvorak* teach the system of claim 1, *Sarukkai et al* further teach the system of claim 1, wherein the information being retrieved is periodically updated (col.6 line 44-col.7 line 6).

o. **Claims 29, 30, 33 and 34** are substantially similar to claim 28 and are therefore rejected under the same basis.

p. **Per claim 35**, *Sarukkai et al* and *Dvorak* teach the system of claim 31, *Sarukkai et al* further teach the system of claim 31, wherein the server transmits a message to said user comprising said information retrieved from said web site (col.5 line 65-col.6 line 17).

q. **Claim 36** is substantially similar to claim 35 and is therefore rejected under the same basis.

r. **Per claim 45**, *Sarukkai et al* and *Dvorak* teach the system of claim 1, *Sarukkai et al* further teach the system of claim 1 wherein the computer-based client is a clipping client (col.7 lines 1-67).

s. **Claim 46** is substantially similar to claim 45 and is therefore rejected under the same basis.

t. **Per claim 48**, *Sarukkai et al* and *Dvorak* teach the system of claim 1, *Sarukkai et al* further teach the system of claim 1 wherein the server is a CPU-based media server (col.5 line 34-col.6 line 2).

u. **Per claim 49**, *Sarukkai et al* and *Dvorak* teach the system of claim 1, *Sarukkai et al* further teach the system of claim 1 wherein the web browser is a CPU-based web browsing server (col.5 line 34-col.6 line 2).

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11. Claims 17-19, 21-23, 25-27, 38-40, 42-44 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Sarukkai et al* (USPN 5,819,220) and *Dvorak* (USPN 5,884,266) in view of *Ladd et al* (USPN 6,269,336).

a. Per claim 17, *Sarukkai et al* and *Dvorak* teach the limitations of claims 1, 2, 5, 31 and 32 as applied above; yet fail to explicitly teach the system of claim 16 wherein the voice enabled device is a wireline telephone. However, *Ladd et al* disclose the utilization of voice-enabled devices such as wireline, wireless and internet telephones for voice browsing (col.3 line 24-col.4 line 3, col.4 line 62-col.5 line 11, col.5 line 20-col.7 line 56 and col.15 line 60-col.16 line 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Sarukkai et al*, *Dvorak* and *Ladd et al* for the purpose of implementing various kinds of voice-enabled devices such as types of telephones for gaining access or information retrieval on a network in a voice command and speech recognition system.

b. Claims 18, 19, 21-23, 25-27, 38-40 and 42-44 are substantially similar to claim 17 and are therefore rejected under the same basis.

c. Per claim 47, *Sarukkai et al* and *Dvorak* teach the system of claim 1, *Sarukkai et al* further teach the system of claim 1, *Ladd et al* further teach the database is configured for storing on magnetic media (col.2 line 59-col.3 line 6 and col.3 lines 58-65).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Profit, Jr. et al* (USPN 6,636,831), *Giangarra et al* (USPN 6,101,472) and *Tullis et al* (USPN 5,699,486).

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER